

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RIMMAX WHEELS, LLC, a Delaware
limited liability company,

Plaintiff,

v.

RC COMPONENTS, INC., a Kentucky
corporation,

Defendant.

C.A. No. 06-029 (SLR)

**DEFENDANT RC COMPONENTS, INC.'S RESPONSE TO
MOTION OF PLAINTIFF FOR EXTENSION OF TIME TO FILE
PLAINTIFF'S BRIEF IN OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT [RE: D.I. 41]**

Defendant RC Components, Inc. ("RC"), hereby files its Response to the Motion of Plaintiff Rimmax Wheels, LLC for Extension of Time to File Plaintiff's Brief in Opposition to Defendant's Motion for Summary Judgment (D.I. 41)(the "Motion") and respectfully submits as follows:

By the Motion, Plaintiff requests an extension of time to file its brief in opposition to RC Components, Inc.'s Motion for Summary Judgment (D.I. 37) (the "Summary Judgment Motion") from December 18, 2006,¹ to December 29, 2006. Plaintiff states in the Motion that its counsel attempted to reach agreement on an extension with counsel for RC but that RC opposed the

¹ RC notes that, pursuant to the Local Rules, Plaintiff's deadline to file a brief in opposition to the Summary Judgment Motion is December 15, 2006, not December 18, 2006. See Local Rule 7.1.2(2).

request. Thus, the Motion requests an extension and further states that Plaintiff is aware that the extension would result in the loss of the trial dates currently scheduled for March 12-16, 2007.

RC files this Response to state that counsel for RC does not “oppose” Plaintiff’s request for an extension. On December 12, 2006, counsel for Plaintiff requested the extension. RC’s counsel stated that he did not oppose the extension if it did not result in a postponement of the trial dates. RC’s counsel suggested that Plaintiff’s counsel check with the Court’s staff to determine how this result might be avoided under the present circumstances. On December 13, 2006, counsel for Plaintiff contacted counsel for RC and stated that he had communicated with the Court’s staff regarding obtaining relief from the Court’s rule posted on its website about losing trial dates (the “Rule”) and that he was told to file a stipulation asking for such relief. During this phone call, counsel for RC agreed to the extension and was told by counsel for Plaintiff that he would be preparing, serving and filing a stipulation.² Notwithstanding this agreement, Plaintiff filed the Motion stating that counsel for RC “opposed” its request and requested the extension regardless of the fact that it would result in the loss of the parties’ trial dates.

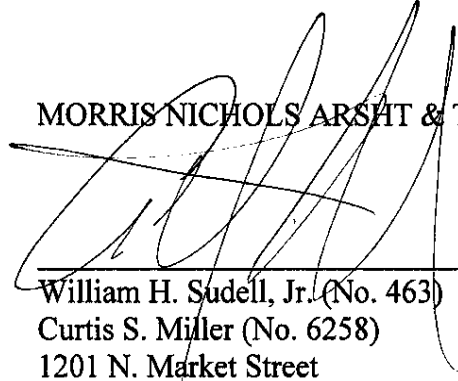
RC has no objection to Plaintiff being granted an extension to file an opposition to the Summary Judgment Motion and asks only that 1) the parties be granted relief from the Rule upon

² This agreement also granted RC a seven day extension to file its reply brief, if necessary because, although RC is able to file a reply brief on the deadline provided by the Local Rules (December 27, 2006), counsel for RC is traveling during the first week of January. Thus, if the Court grants Plaintiff an extension, RC’s deadline to file a reply would fall during this week. Accordingly, if the Court is inclined to extend Plaintiff’s deadline to file a response to the Summary Judgment Motion, RC requests that it be provided a five day extension to file its reply brief, making its deadline to file a reply January 12, 2007.

the granting of such an extension; and 2) RC is granted a five day extension to file its reply brief, if necessary.³

Dated: December 14, 2006

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³ RC's reply brief would be due on January 3, 2007, when counsel for RC expects to be out of town.